

REMARKS

The present Amendment amends claims 13-16. Therefore, the present application has pending claims 13-16.

Claims 13 and 15 stand rejected under 35 USC §101 being that the Examiner alleges that the claimed invention is directed to non-statutory subject matter particularly an abstract idea. This rejection is traversed for the following reasons. Applicants submit that the present invention as recited in claims 13 and 15 are clearly directed to statutory subject matter (process implemented by a machine) which requires examination on the part of the Examiner. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 13 and 15 are each directed to a method of achieving electronic business transactions (process) in an electronic business system (machine) such as that illustrated in Fig. 1 of the present application. The electronic business transaction system of the present invention as recited in the claims and as illustrated in Fig. 1 includes a plurality of member sites 20-50, a center site 10 and a network 70 connecting the member sites 20-50 and the center site 10 to each other.

The center site 10 as clearly illustrated in Fig. 1 of the present application includes a controller 100 which controls the center site 10. Further, the center site 10 as recited in the claims and as illustrated in Fig. 1 includes at least an open business database 150 which stores open business information as illustrated in Fig. 10.

Thus, for example, claim 13 recites receiving in the center site 10 a request to access the open business database 150 and order specification representing an

order from the member site. Both the request and the order specification are transmitted via the network 70 from the member site 20-50. The center site 10 in response transmits the order specification via the network 70 to another member site 20-50.

Claim 15 recites elements and operations similar to those recited with respect to claim 13.

Thus, it is quite clear that one of ordinary skill in the art upon viewing the features of the present invention as illustrated, for example, in Fig. 1 and as recited in each of claims 13 and 15 would clearly recognize that the present invention is directed to a method implemented by a system including various network elements that operate with respect to each other via a network. Further, one of ordinary skill in the art would recognize that the claims clearly recite the use of a network and at least one database which are well known elements and could not in any way be an abstract idea as alleged by the Examiner. Therefore, claims 13 and 15 are directed to statutory subject matter in accordance with 35 USC §101.

Apparently, the same conclusion was reached with respect to the parent patent No. 6,049,787. The Examiner's attention is directed to claim 10 thereof. Claim 10 of the parent patent is directed to a method implemented by a system similar to that of claims 13 and 14 of the present application.

Therefore, as is quite clear from the above, Applicants submit that claims 13 and 15 of the present application are clearly directed to statutory subject matter specifically a process implemented by a machine in accordance with 35 USC §101 and that examination should proceed immediately based on said claims.

In order for the Examiner to have a complete understanding of the present invention, the Examiner is respectfully requested to contact Applicants' Attorney, the undersigned, by telephone so as to schedule an interview to discuss the outstanding issues of the present application prior to examination.

Claims 13-16 stand rejected under 35 USC §103(a) as being unpatentable over Todd (U.S. Patent No. 6,463,418 B1). This rejection is rendered moot for the following reasons. Applicants submit that the present application claims a priority date of March 31, 1997 which predates the effective date of August 20, 1997 of Todd. Further, the claimed priority date of the present application of March 31, 1997 also predates the 35 USC §120 date of Todd of August 15, 1997 to the extent that it is applicable of since this 35 USC §120 date is obtained by Todd being a continuation-in-part of an application filed on August 15, 1997. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

In order to perfect Applicants claim of priority certified copies of the Priority Documents were filed in parent application Serial No. 09/050,064, filed March 30, 1998, now U.S. Patent No. 6,049,787 (parent patent). To further perfect Applicants claim of priority filed on even date herewith is a Sworn English Translation of the earliest priority document Japanese patent application No. 9-079590, filed in Japan on March 31, 1997. A disclosure of the present invention as recited in claims 13-16 can be found in the disclosure of priority document 9-079590, for example, Figs. 1-5 thereof.

Therefore, the claims of the present application have an effective date of March 31, 1997 which predates the effective of August 20, 1997 (or the 35 USC §120 date to the extent that it can be relied upon of August 15, 1997) of Todd.

Even if Todd could be used for anticipatory or obviousness type purposes to reject the claims of the present application, Applicants submit that the features of the present invention as recited in the claims are not taught or suggested by Todd. For example, Todd fails to teach or suggest the business transaction system as recited in the claims wherein a center site is connected to a plurality of member sites through a network and open business information is provided by a database of the center site and such open business information can be accessed by the member sites via the network so as to determine business the member sites may wish to participate.

The remaining references of record have been studied. Applicants submit that the remaining references do not anticipate nor render obvious the features of the present invention as recited in the claims.

In view of the foregoing amendments and remarks, Applicants submit that claims 13-16 are in condition for allowance. Accordingly, early allowance of claims 13-16 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (500.36167CX1).

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

A handwritten signature in cursive script, appearing to read "Paul J. Skwierawski", is written over a horizontal line.

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